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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,999	07/05/2007	Oliver Heine	20573-0417	7626

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EXAMINER

SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
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3611

NOTIFICATION DATE	DELIVERY MODE
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05/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/579,999	Applicant(s) HEINE, OLIVER	
	Examiner Joanne Silberman	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “curvatures” (more than one) of the inner face of the back wall (claims 3 and 4), at least one securing element (claim 14), and the back wall supported rotatably about its central longitudinal axis (claim 23) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 3, 4 and 7-13, 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 3 and 4 “the curvatures of the inner face” lacks antecedent basis. Only one curvature has been recited.

In claims 7-11 and 28 it is not clear if the light source is actually part of the claimed invention.

In claim 11 “the light source” lacks antecedent basis.

In claims 12 and 13 “the objects” lacks antecedent basis. Only one object has been recited.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 14, 16, 18, 19, 26, 27, 29-31, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Walsh, US patent #6,173,515 (Walsh).

6. Walsh discloses a viewing device including housing 1 (Figure 1) with front wall 3, viewing opening 4, and back wall 5. The front and back walls have inner and outer

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faces and are curved toward and away from an observer. The corresponding curvatures extend between the two side edges and are hemispherical so that the front and back walls touch directly at their sides. Securing element 32 releasably secures a changing display. The housing is cardboard (column 4 line 32). The viewing device is designed movably, in that it may be moved. Front wall 4 may be covered by a transparent material (column 3 lines 19-20). The rear wall is a screen onto which objects may be projected from the rear. The walls are originally flat and when pressed together may cause the walls to bulge outward. Figures 2, 3, 4a and 4b show a blank for producing the viewer including the walls and connecting edges and top and bottom oval panels 22 and 23. Figure 10 shows insertion parts inside the housing.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 12, 13, 17, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh.

9. Regarding claims 12 and 13, Walsh teaches object 40 which can be secured to the inner face of the back wall but Walsh does not teach a plurality of objects. It would have been obvious to a person having ordinary skill in the art to provide a plurality of objects in the housing of Walsh since it has been held that mere duplication of the

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essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.* 193 USPQ 8.

10. Regarding claim 17, Walsh does not specify that the cardboard is corrugated, however such material is well known in the art. It would have been obvious to one of ordinary skill to use corrugated cardboard to provide extra strength for the housing. It also would have been obvious to use corrugated cardboard since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

11. Regarding claim 32, Walsh does not teach openings in the blank, however it would have been obvious to one of ordinary skill to provide such openings if the device is intended to be used with a light source.

12. Claims 7-10 and 28 (as best as can be understood at this time) are rejected under 35 U.S.C. 102(b) as anticipated by Walsh or, in the alternative, under 35 U.S.C. 103(a) as obvious over Walsh in view of Ralston.

13. Walsh discloses an object that can be illuminated by a light source that can be located inside the housing.

14. Walsh does not teach a light source for the display however such light sources are well known in the art as shown by Ralston. Ralston teaches a housing including a light source therein (Figure 4). It would have been obvious to one of ordinary skill in the art to include such a light source with the housing of Walsh so that the object may be viewed at night. The light source in Ralston is located at the edge, which would be

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away from the viewing opening. The light source can be secured to the back wall.

Ralston does not specifically teach the light as being an LED, however LEDs are well known and would have been an obvious choice to a person of ordinary skill when utilizing an electric lamp. Regarding claim 28, Ralston teaches a switch that is activated when the sides are pressed together (Ralston, column 4 lines 56-60).

15. Claim 11 (as best as can be understood) is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh in view of Munoz, US patent #4,475,298 (Munoz).

16. Walsh does not teach reflective surfaces, however such surfaces are well known in the art of displays. Munoz teaches reflective surface 25 to direct light onto the display (column 5 lines 27-37). It would have been obvious to one of ordinary skill to utilize reflective surfaces in the housing of Walsh so as to direct additional light onto the display, as is taught by Munoz.

17. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh in view of Decaux et al. US patent #6,178,674 (Decaux).

18. Walsh does not teach a winding device having a striplike object thereon wound between two coils however such displays are well known in the art as shown by Decaux. Decaux teaches a display including coils 6a and 6b (Figure 2) moving behind transparent guide plate 3. It would have been obvious to one of ordinary skill in the art to utilize such a display with the housing of Walsh to provide a display that is changeable.

19. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh in view of Connell, US patent #3,365,820.

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20. Walsh does not teach a cylindrical housing with a plurality of openings however such displays are well known in the art as shown by Connell. Connell teaches a display device including cylindrical housing 34 having a plurality of openings 44 therein (which rise and fall around a circumferential line) for revealing display 40. It would have been obvious to one of ordinary skill to utilize such a cylindrical display in the housing of Walsh to provide a display which is changeable.

21. Claims 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh in view of Gravitt et al. US publication 2002/0184802 (Gravitt).

22. Walsh does not teach an LCD screen on the back wall however such displays are well known in the art as shown by Gravitt. Gravitt teaches a display including an LCD screen onto which an object for viewing is projected. It would have been obvious to one of ordinary skill to utilize such a screen in the device of Walsh so that different objects may be displayed as desired for viewing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 571-272-6653. The examiner can normally be reached on M-F 5:30 - 2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Joanne Silberman
Primary Examiner
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